his client and wrongfully refused to pay over the same, should be suspended from practice by the court until the sum be paid, it was held that this was a remedy for the creditor and did not prevent proceeding for the disbarment of the attorney. *Commonwealth* v. *Roe*, 129 Ky. 650, 112 S. W. 683. Again, where a statute provided that no fine or forfeiture should be enforced after six months from the time of incurring it, and an attorney, guilty of misconduct, sought to interpose this statute in bar of disbarment proceedings, it was held that the statute had no application to disbarment proceedings. *State* v. *Walker*, 141 La. 464, 75 South. 207.

The present case is undoubtedly correct on reason and principle and is supported by authority, for though the payment by the attorney of the money wrongfully retained releases him from civil liability, it does not free him from blame for having committed the offense, nor does it rehabilitate him as a proper person to practice law. *In re Davies, supra.*

BANKRUPTCY—FRAUDULENT TRANSFER OF PROPERTY—SUMMARY PROCEEDINGS.—An insolvent formed a corporation, with near relatives as incorporators and nominal stockholders, for the purpose of withdrawing his property from the reach of his creditors. In the bankruptcy proceedings which followed, the trustee by summary order from the referee seized the property, and it was sought to bar the discharge of the bankrupt for his fraud. The right of the referee to enter such an order was denied on the ground that the corporation was an adverse claimant. *Held*, such a corporation is only a colorable holder for the insolvent and summary proceedings will lie, but discharge will not be barred, because there was no actual transfer of property. *Liller Bldg. Co.* v. *Reynolds* (C. C. A.), 247 Fed. 90.

It is settled that one who claims the right to the possession of property received from the bankrupt prior to his adjudication, whose claim is not merely fictitious or colorable, is an adverse claimant in possession, and his right to possession cannot be tried in a summary proceeding. *In re N. Y. Car Wheel Works*, 132 Fed. 203; *In re Kane*, 131 Fed. 386; *In re Teschmacher*, 127 Fed. 728. But where the goods are held by a person who is in reality the bankrupt in disguise, the bankruptcy court may take them into its custody by summary proceedings. *In re Franklin Suit and Skirt Co.*, 197 Fed. 591, 28 Am. B. R. 278. And the bankruptcy court has power to decide whether the claim is in fact well founded or whether it is fictitious. *In re Norris*, 177 Fed. 598, 24 Am. B. R. 444; *In re Rathman* (C. C. A.), 183 Fed. 913, 25 Am. B. R. 246. But it is impossible to declare a general rule which will determine in every case whether a person claiming a right or interest against the trustee is an adverse claimant. COLLIER, BANKRUPTCY, 10 ed. p. 477.

That a corporation is a legal entity apart from the natural persons who compose it, is a mere fiction of law, but like every other fiction, it may be disregarded when urged to an extent and purpose not within its reason and policy. *State* v. *Standard Oil Co.*, 49 Ohio St. 137, 30 N. E. 279, 15 L. R. A. 145, 34 Am. St. Rep. 541; *Bank* v. *Trebein Co.*, 59 Ohio St. 316, 52 N. E. 834; *In re Rieger*, 157 Fed. 609. Thus, where it

is shown that a bankrupt, while insolvent, has organized a corporation with his relatives, to which he has conveyed all of his property and which is conducted solely for his benefit, for the purpose of placing such property beyond the reach of creditors, his trustee may be properly ordered to seize such property summarily. *In re Berkowitz*, 173 Fed. 1013; *In re Rieger*, *supra*. The principal case seems clearly sound on this point.

But the conclusion drawn by the court, that since the transaction was not effective to transfer the property beyond the jurisdiction of the bankruptcy court to seize by summary proceedings the bankrupt could not be denied a discharge under § 14 (b), clause 4, of the Bankruptcy Act, seems unsound. The above section seems to be broad enough to bar a discharge not only where there is a successful transfer, but also where the fraudulent transfer fails. And this is the view taken by the better authority. *In re Bullwinkle*, 111 Fed. 364; *In re Hogy* (C. C. A.), 220 Fed. 665. Thus, where an insolvent debtor, who owned a number of stores, organized a corporation in which he held practically all the stock, and transferred to the corporation the more profitable stores in order to break the leases on the unprofitable stores, he was denied a discharge in bankruptcy since the conveyance would hinder, delay and defraud his creditors in obtaining the property. *In re Braus* 237 Fed. 139.

CARRIERS—INJURIES TO PASSENGERS—FREIGHT ELEVATORS.—The plaintiff, while delivering packages to tenants in an office building, used the freight elevator, the defective operation of which by the defendant's servant caused the plaintiff to be thrown down and his leg crushed between elevator platform and ceiling. The plaintiff brought this action for the injury sustained. *Held*, the plaintiff cannot recover. *O'Rourke* v. *Woodward* (Ala.), 77 South. 679.

A proprietor of a passenger elevator is a carrier of passengers, and is subject to the same responsibility as to care and diligence as are carriers of passengers. *Treadwell* v. *Whittier*, 80 Cal. 574, 22 Pac. 266, 5 L. R. A. 498, 13 Am. St. Rep. 175. But as to the responsibility of the owner of a freight elevator to passengers rightly thereon, the cases are not so clear, although many of the more recent decisions regard the situation as analogous to that of a stockman or other passenger riding on a freight train. This analogy is expressly stated to exist in *Orcutt* v. *Century Bldg. Co.*, 201 Mo. 424, 8 L. R. A. (N. S.) 929. But the owner of a freight elevator, by inviting another to ride thereon does not make it a passenger elevator nor owe him the same degree of care owed by owners of passenger elevators. *Hall* v. *Murdock*, 114 Mich. 233, 72 N. W. 150. Where it is a custom of tenants to accompany freight on elevators operated in a building, an injury resulting from the breaking of the elevator makes the owner liable. *Springer* v. *Ford*, 189 Ill. 430, 59 N. E. 953, 52 L. R. A. 930, 82 Am. St. Rep. 464. But it is a question for the jury whether due care has been exercised where the person accompanying freight was killed by falling into an opening between the elevator and the wall. *Gray* v. *Seigel Cooper Co.*, 187 N. Y. 376, 80 N. E. 201. And the same is true where the freight had already